

VZCZCXYZ0006
RR RUEHWEB

DE RUEHBO #0377/01 0311150
ZNR UUUUU ZZH
R 311150Z JAN 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC 1146
INFO RUEHCV/AMEMBASSY CARACAS 9872
RUEHLP/AMEMBASSY LA PAZ JAN LIMA 5860
RUEHZP/AMEMBASSY PANAMA 1148
RUEHQT/AMEMBASSY QUITO 6523
RHMFISS/CDR USSOUTHCOM MIAMI FL
RUEAIIA/CIA WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/SECDEF WASHDC//USDP ADMIN/CHAIRS//

UNCLAS BOGOTA 000377

SIPDIS

SIPDIS

E.O. 12958: N/A

TAGS: [MARR PHUM PREL PTER CO](#)

SUBJECT: COLOMBIAN MOD CODIFIES HUMAN RIGHTS POLICIES

REF: A. 07 BOGOTA 1246

- [1](#)B. 07 BOGOTA 8044
- [1](#)C. 07 BOGOTA 4677
- [1](#)D. 07 BOGOTA 8367
- [1](#)E. 07 BOGOTA 6536
- [1](#)F. 07 BOGOTA 4837

Summary

[1](#)1. The Ministry of Defense (MOD) released a comprehensive policy document outlining the Colombian military's Human Rights (HR) and International Humanitarian Law (IHL) doctrine. The policy stresses that prudent use of force earns the armed forces legitimacy with the public, conferring tactical and strategic benefits in the war with illegal armed groups. The document identifies five program areas: integration of HR/IHL into all military instruction; stronger HR/IHL compliance and control; legal defense of military personnel; specialized treatment of vulnerable groups; and better integration of military HR/IHL policy with civilian and international counterparts. Defense Minister Santos and Armed Forces Commander Padilla publicly presented the policy. The local office of the U.N. High Commissioner for Human Rights (UNHCHR) called it a key step in promoting respect for human rights within the military. End Summary.

Toward a Doctrine on Rights

[1](#)2. On January 22, the MoD issued a 54-page manual entitled the "Integrated Policy of Human Rights and International Humanitarian Law." The policy stresses that respect for human rights is key to the military's success in fighting criminal groups, and assembles existing processes and guidelines into a single, coherent, human rights doctrine. In publicly presenting the policy, Defense Minister Juan Manuel Santos said it emphasizes the legal parameters on military action set by Colombia's Constitution. He added that military justice reform and recent human rights directives reflect the military's commitment to improve its human rights record. Local UNHCHR representative Javier Hernandez publicly praised the plan -- as well as cooperation with Colombian military officials -- and called it a key step in initiating reforms and building a culture of respect for human rights within the Colombian military.

----- Context and Rationale -----

¶3. The manual outlines legal context and guiding principles, particularly Colombia's adherence to international norms, governing the Colombian military's use of force. Colombia's Constitution -- supplemented by Constitutional Court rulings and Ministry directives -- sets IHL as the legal standard for military operations. A November 2007 decree orders military commanders to give greater weight to the demobilization or capture of illegal combatants than to kills (bajas) in evaluating the success of military operations. The document notes that prudent use of force encourages the trust of the population on which the military in turn relies for vital intelligence. It adds that the GOC's ultimate objective is to restore the rule of law in all territories. Illegal abuse by the armed forces directly undermines this mission.

----- Training and Doctrine -----

¶4. The first of the document's five program areas builds on the military's decade old human rights training program by requiring the integration of HR/IHL into all military instruction. Last year 109,000 members of the armed forces received HR/IHL training above and beyond standard courses for promotion. HR/IHL precepts are an essential component of ongoing education and doctrine reforms (ref A). A six-level HR/IHL curriculum will range from practical basics for conscripts, to complex theory for commanders. At 35 HR "training fields" on military bases nationwide, tactical, scenario-based training is tailored to a local context (e.g. jungle vs. urban operations). A "lessons learned" module will give soldiers a chance to assess their past actions in a confidential setting.

SIPDIS

----- Operational Discipline -----

¶5. A second program area strengthens HR/IHL compliance and control. The Ministry will create an Office of Doctrine and Legal Advice to research HR/IHL, develop operational law, and formulate new doctrine. The Office will coordinate operational legal advisors already in place at the brigade level. Concepts of operations ('conops') are to be written for every mission -- defining objective, movements, and collateral impact -- with rules of engagement (ROEs) setting operational limits and permissible use of force. Inspectors' roles in oversight, evaluation of management, and adherence to ROEs will be reinforced. Military Criminal Justice reform will continue (ref B), as will topical MoD directives. In 2007, the latter included creation of the HR Monitoring Committee, restrictions on informer networks (ref C), and support to civilian investigators of combat kills (ref D). Performance evaluation criteria will be revised to ensure they do not run counter to HR/IHL objectives.

----- Military Legal Defense -----

¶6. A third area is legal defense for military personnel. The document notes that individual personnel and the armed forces overall require adequate legal defense by lawyers deeply versed in technical aspects of IHL, ROEs, and military procedure. The MoD aims to establish a policy on the legal defense of military personnel charged with human rights abuses including raising the number and quality of defense attorneys. Military personnel currently pay for their legal defense out of a fund of private donations. The document also calls for an interagency group to defend the GOC in HR cases before the Interamerican Court of Human Rights. The military will also set up a mechanism to provide swift

compensation of civilian collateral damage incurred during operations.

Special Care for Populations at Risk

¶17. The fourth program area commits the military to provide special treatment to indigenous, Afro-Colombians, Internally Displaced Persons (IDPs), and other vulnerable groups such as human rights defenders and unionists. The MoD held 40 regional HR workshops from 2003-6 on specialized attention to these groups. For the indigenous, the policy includes extra protection from illegal groups, dedicated liason officers to respond quickly to complaints, respect for sacred places carefully mapped and bounded, and granting of reparations (ref E). The policy also calls for the military to establish similar permanent lines of communication with Afro-Colombian communities. With respect to IDPs, the military must take preventative measures to avoid displacement in the course of military operations, facilitate processes of return, and protect IDPs' persons and property (ref F).

Interagency / International Cooperation

¶18. The policy's fifth program area calls for greater integration of military HR/IHL policy and action with GOC counterparts, international partners, and civil society. The document notes that President Uribe's Democratic Security policy calls not only for security but for institution building, social welfare, and economic development as well. Hence, the document commits the military to work with other civilian agencies to promote government presence and territorial control. Cooperation with international organizations like the Red Cross and UNHCHR will continue, as will human rights training and guidance from the USG and the United Kingdom. Finally, the policy calls for expanded dialogue with civil society.
Brownfield